



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,381	01/14/2004	Seiichi Nakamura	04329.3223	2359
22852 7590 01/09/2008 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER BAYARD, DJENANE M	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/756,381

Applicant(s)

NAKAMURA ET AL.

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/04/04, 8/18/04, 11/17/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to communication filed on 6/07/04 in which claims 1-19 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9-10, 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application No. 2002/0122137 to Chen et al.

- a. As per claim 1, Chen et al teaches an information processing apparatus for performing communication with a data storage device via a network, comprising: means for designating a section of a stream of data stored in the data storage device, the section being to be downloaded into the information processing apparatus (See page 2, paragraph [0018] and page 3, paragraph [0030]) ; and means for acquiring partial data, which includes a stream belonging to the designated section, from the data storage device via the network (See page 5, paragraph [0043-0044]).

- b. As per claim 2, Chen et al teaches the claimed invention as described above.  
Furthermore, Chen et al teaches wherein the designating means includes means for designating a start point and an end point of a stream to be downloaded into the information processing

apparatus, which is included in the stream of the data stored in the data storage device (See 3, paragraph [0032-0035]).

c. As per claim 3, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the data stored in the data storage device includes motion video data, and the information processing apparatus further comprises means for displaying, as a preview image, an image at a given position on a stream of the motion video data on a display screen of the information processing apparatus (See page 2, paragraph [0018], page 4, paragraph [0036] and page 5, paragraph [0045]).

d. As per claim 4, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the means for displaying the preview image includes means for acquiring, when a position on the stream of the motion video data to be displayed as the preview image is designated, data within the motion video data corresponding to the designated position from the data storage device via the network (See 5, paragraph [0044]).

e. As per claim 5, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches means for storing the acquired partial data as a file (See page 4, paragraph [0040-0041]).

f. As per claim 6, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the stream of the data stored in the data storage device

is stored in the data storage device as a file, and the means for acquiring the partial data includes: means for opening the file stored in the data storage device, and means for reading out, from the opened file via the network, the partial data including the stream belonging to the section designated by the designating means (See page 3, paragraph [0030-0032])

g. As per claim 7, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the data stored in the data storage device includes broadcast program data (See page 2, paragraph [0018]).

h. As per claim 9, Chen et al teaches an information processing apparatus for performing communication with a data storage device via a network, comprising: means for displaying, as a preview image, an image at a given position on a stream of motion video data stored in the data storage device on a display screen of the information processing apparatus (See page 2, paragraph [0018] and page 3, paragraph [0030]); means for designating a start point and an end point of a stream to be downloaded into the information processing apparatus, which is included in the stream of the motion video data (See page 3, paragraph [0030-0032]); and means for acquiring partial data including a stream, which is included in the stream of the motion video data and belongs to a range between the start point and the end position designated by the designating means, from the data storage device via the network (See page 2, paragraph [0028] and page 3, paragraph [0030-0032]).

i. As per claim 10, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches further comprising means for storing the acquired partial data as a file (See page 3, paragraph [0030]).

j. As per claim 12, Chen et al teaches a data transfer method of transferring data stored in a server to an information processing apparatus via a network, comprising: designating a section of a stream of data stored in the server (See page 2, paragraph [0018] and page 3, paragraph [0030]), the section being to be downloaded into the information processing apparatus (See page 3, paragraph [0033]); and transferring partial data, which includes a stream belonging to the designated section within the stream of the data, from the server to the information processing apparatus (See page 3, paragraph [0030]).

k. As per claim 13, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches, wherein the designating includes designating a start point and an end point of a stream to be downloaded into the information processing apparatus, which is included in the stream of the data (See page 2, paragraph [0028] and page 3 paragraph [0030 and 0033]).

l. As per claim 14, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the data stored in the server includes motion video data, and the method further comprises displaying, as a preview image, an image at a given position on a stream of the motion video data on a display screen of the information processing apparatus

(See page 3, paragraph [0030]).

m. As per claim 15, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the displaying of the preview image includes acquiring, when a position on the stream of the motion video data to be displayed as the preview image is designated, data within the motion video data corresponding to the designated position from the server via the network (See page 3, paragraph [0029-0030]).

n. As per claim 16, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches comprising storing as a file the partial data that is transferred from the server to the information processing apparatus (See page 3, paragraph [0030]).

o. As per claim 17, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the stream of the data stored in the server is stored in the server as a file, and said transferring includes: opening the file stored in the server, and reading out, from the opened file via the network, the partial data including the stream belonging to the section designated by said designating (See page 3, paragraph [0030] an page 4, paragraph [0036]).

p. As per claim 18, Chen et al teaches the claimed invention as described above.

Furthermore, Chen et al teaches wherein the data stored in the server includes broadcast program

data (See page 2, paragraph [0028]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No.2002/0122137 to Chen et al in view of U.S. Patent Application No. 2002/0131761 to Kawasaki et al.

a. As per claims 8, 11 and 19, Chen et al teaches the claimed invention as described above. Furthermore, Chen et al teaches wherein the data stored in the data storage device includes motion video data, the designating means includes means for designating a first time and a second time corresponding to the start point and the end point of a time range (See page 3, paragraph [0032-0035]), to which the stream to be downloaded into the information processing apparatus belongs, the time range being within a total time length of the motion video data (See page 3, paragraph [0032-0035]). However, Chen et al fails to teach the means for acquiring the partial data includes: means for converting the designated first time to a first address indicative of an offset value from a beginning position of the motion video data, means for converting the



designated second time to a second address indicative of an offset value from the beginning position of the motion video data, and means for acquiring, based on the first address and the second address, the partial data belonging to the time range within the stream of the motion video data from the data storage device via the network.

Kawasaki et al teaches means for converting the designated first time to a first address indicative of an offset value from a beginning position of the motion video data, means for converting the designated second time to a second address indicative of an offset value from the beginning position of the motion video data, and means for acquiring, based on the first address and the second address, the partial data belonging to the time range within the stream of the motion video data from the data storage device via the network (See paragraph [0316 and 0344]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kawasaki in the claimed invention of Chen et al in order to associate presentation with the designated time (See page 18, paragraph [0316]).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2002/0018643 to Okada et al teaches an information recording medium, apparatus and method for recording or reproducing data thereof.

U.S. Patent Application No. 2001/0046371 to Ando et al teaches recording, edit, and playback methods of audio information, and information storage medium.

Application/Control Number:  
10/756,381  
Art Unit: 2141

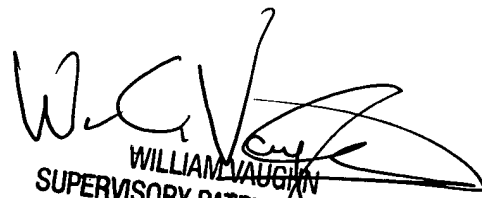
Page 9

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard  
Patent Examiner

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100